

**REMARKS**

In accordance with the foregoing, claims 1 – 8, 10 and 13 are amended. claims 1 – 10 and 13 - 15 are pending and under consideration. No new matter is presented in this Amendment.

**Rejection of claims 1 – 7, 10 and 15 under 35 U.S.C. §103(a) over Morishita in view of Nakanishi**

At page 2 of the Office Action, claims 1 - 7, 10, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Morishita et al. (U.S. Patent No. 5,976,729) ("Morishita") in view of Nakanishi et al. (U.S. Patent Publication No. 2002/0142211) ("Nakanishi").

Independent claim 1 is amended to provide, among other limitations, that the secondary battery includes a surface coating having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of the can and not provided on the side wall of the can.

Morishita does not describe a surface coating on the bottom surface of a battery can as recited by amended independent claim 1. In particular the "nickel layer" referred to by the Examiner with respect to Morishita is a lead plate that is welded onto the bottom of a battery can. It is respectfully submitted that persons skilled in the art would understand a surface coating to be physically distinct from a welded plate.

Nakanishi does not overcome the failure of Moriwaki to teach or suggest a surface coating having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided only on an outer surface of the bottom portion of a can of a secondary battery. The Nakanishi reference is applied by the Examiner for its alleged teachings regarding an end cap attached to a battery can by welding, and Nakanishi contains no teachings relevant to a battery including a surface coating having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of the can.

Therefore the rejection should be withdrawn.

**Rejection of claims 8 and 9 under 35 U.S.C. §103(a) over Morishita in view of Nakanishi and further in view of Seiji**

At page 4 of the Office Action, claims 8 and 9 were rejected under 35 U.S.C. §103(a) as

being unpatentable over Morishita in view of Nakanishi, and further in view of Seiji (JP 60 124351).

Seiji does not overcome the failure of Morishita and Nakanishi to teach or suggest a surface coating having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 8 and 9 depend. In particular, Seiji does not teach or suggest any thickness of its nickel or copper layer, and from the description in the Abstract of Seiji, the nickel or copper layer of Seiji appears to be a substantial structural component of the outer side of the battery and clearly is not a surface coating having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$ . Therefore, combining the secondary battery of Morishita and Nakanishi with a nickel or copper structure according to Seiji would not have met all of the limitations of the present claims.

**Rejection of claims 13 and 14 under 35 U.S.C. §103(a) over Morishita in view of Nakanishi and further in view of Shibata**

At page 6 of the Office Action, claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Morishita in view of Nakanishi, and further in view of Shibata et al. (EP 0 899 799 A2).

Shibata does not overcome the failure of Morishita and Nakanishi to teach or suggest a surface coating having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 13 and 14 depend. In particular, the layers described in Shibata cover the entire jar can and are not limited to the bottom of the can. Moreover, Shibata explicitly states that its nickel-plated layer is not more than 5  $\mu\text{m}$ . Therefore, combining Morishita, Nakanishi and Shibata would not have met all of the limitations of the present claims.

Therefore, the rejection should be withdrawn.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN MCEWEN, LLP

Date:

August 7, 2009

By:



Ralph T. Webb

Registration No. 33,047

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510